



IDAHO DEPARTMENT OF PARKS & RECREATION

Minutes

for

January 23-24, 2008

Board Meeting

Idaho Department of Parks and Recreation
Headquarters
Boise, Idaho

IDAHO DEPARTMENT OF PARKS AND RECREATION

“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”

**Board Meeting
January 23-24, 2008
IDPR Headquarters
Boise, Idaho**

AGENDA

Wednesday, January 23, 2008

- 7:00 a.m. Meeting with Senator Schroeder and Natural Resource Committee**
- 8:15 a.m. Breakfast at IDPR Headquarters**
- 9:00 a.m. Call to Order**
 - Welcome guests**
 - Additions or deletions to the printed agenda**
 - Approval of the Board Meeting minutes:**
 - November 8-9, 2007**
 - December 13, 2007**
- 9:14 a.m. Public Forum**
- 9:16 a.m. Report**
 - Director**
 - Attorney General**
- 9:30 a.m. Representative JoAn Wood Addresses Board**
- 10:30 a.m. Reports contd.**
 - Development**
 - Region**
 - Program**
- 12:06 p.m. Eagle Island State Park Group Use Permit**
- 1:15 p.m. Land of the Yankee Fork Bighorn Sheep Viewing Site**
- 1:30 p.m. Review of Concession Agreements**
- 2:15 p.m. 2008 Legislative Update**
- 2:30 p.m. Board Policy Review**
- 3:30 p.m. Discussion of Legislation and Off-highway Vehicles**
- 4:00 p.m. Director Cal Groen Idaho Department of Fish and Game Addresses Board**
- 5:00 p.m. Recess**

Thursday, January 24, 2008

- 8:10 a.m. Call to Order**
- 8:05 a.m. Agency Awards**
- 8:30 a.m. Overview of Park and Highway Signs**
- 8:50 a.m. Idaho Endowment Fund Investment Board Update**
- 9:45 a.m. Fees Associated with Grant Supported Projects**
- 9:56 a.m. Allocation and Distribution of Sub-Grants from the State Boat Safety Account**
- 10:20 a.m. FY '08 2nd Quarter Financial Statement**
- 10:58 a.m. Campsite and Facility Occupancy and Park Visitation Statistics**
- 11:50 a.m. Premium Pricing and Off-Season Rates**
- 12:25 p.m. New Business**
- 1:47 p.m. Adjourn**

Chairman Williams called the Board meeting to order at 9:08 a.m. January 23, 2008 at the Idaho Parks and Recreation (IDPR) Headquarters with the following Board members attending:

Jean McDevitt, Vice Chair, Pocatello
Randal Rice, Moscow
Ernest J. Lombard, Member, Eagle
Latham Williams, Chair, Ketchum
Steve Klatt, Member, Sagle
Doug Hancey, Member, Rexburg

Also present during all or a portion of the meeting were the following individuals:

Dean Sangrey, Division Administrator - Operations
Dave Ricks, Division Administrator – Management Services
Jan Johns, Administrative Assistant to the Director
Tamara Humiston, Financial Officer
Jennifer Wernex, Communications Officer
Steve Frost, Recreation Resources Bureau Chief
Rick Brown, South Region Manager
David White, North Region Manager
Garth Taylor, East Region Manager
Tammy Kolsky, Reservation Manager
David Claycomb, State and Federal Aid Program Manager
Steve Strack, Attorney General - Natural Resources Division
Betsy Johnson, Human Resource Officer
Rick Just, Comprehensive Planning Manager
Dave Dahms, Boating Program Manager
Troy Elmore, Off Highway Vehicle Program Manager
Maria Barratt, Division of Financial Management
Gary Shelley Park Manager, Eagle Island State Park
Bonnie Butler, Special Projects Governor's Office
Emily Anderson, Governor's Office
Grant Simonds, FNAWS
Brent Jennings, Idaho Transportation Department
Larry Johnson, Idaho Endowment Fund
Chris Halverson, Idaho Endowment
Cal Groen, Director Idaho Department Fish and Game
Jon Heggen Bureau Chief Enforcement Bureau Idaho Department of Fish and Game
Representative JoAn Wood
Dennis Batis, FNAWS
Dick Nachbar, FNAWS

9:14 a.m. Approval of Minutes Mr. Rice moved to approve the Board minutes for the November 8th - 9th 2007 Board meeting as amended. Mr. Lombard seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

9:15 a.m. Mr. Lombard moved to approve the Board minutes for the December 2007 teleconference Board meeting as presented. Mr. Klatt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

9:16 a.m. Reports Mr. Sangrey presented the Director's Report to the Board, discussing the upcoming events including the NASPD Conference and the Tri-State Conference. The Chairman discussed the new Board meeting schedule that will take place starting in November 2008 in which the winter and

spring meetings will be held in Boise at IDPR headquarters and the summer and fall meetings will be held off-site.

9:30 a.m. Representative JoAn Wood discussed House Bill 365 with the Board members.

10:30 a.m. Reports cont'd. Mr. Sangrey and Mr. Ricks continued with the Director's Report, updating the Board on various items including the Governor's Budget Request for '09 and Executive Order 2007-05 directing all state agencies to develop and implement green house gas emission reduction action plans.

Discussion followed.

Ms. Wernex discussed the IDPR marketing plan for the 100th Idaho State Park Celebration and the school kit that has been created for all of Idaho's 4th graders as well as the new visitor's guide. Mr. Ricks presented the Development report and the Management report. Discussion followed. The Region Managers stood for questions for their reports. Mr. Strack discussed the projects that he was working on for IDPR. Board members reported on several items taking place in their regions.

12:05 p.m. Eagle Island State Park Group Use Permit Mr. Sangrey asked the Board to approve the group use permit application for Gruntworks Productions for their annual Eagle Island Experience event being held on May 15-18, 2008. He assured the Board members that Gruntworks Productions would be in compliance with all permitting requirements.

12:07 p.m. Mr. Klatt moved to approve the request. Mr. Rice seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

1:15 p.m. Land of the Yankee Fork Bighorn Sheep Viewing Site Mr. Dennis Batie and Mr. Grant Simonds discussed the plans to build a viewing site for bighorn sheep. The partnership consisting of FNAWS, Idaho Outfitter and Guides Association, Idaho Fish and Game, Idaho Watchable Wildlife, Idaho Transportation Department, the U.S. Forest Service and the Bureau of Land Management have been working on this project. A MOU addressing management and oversight functions is being developed through cooperative efforts with IDPR staff and the aforementioned partners.

1:30 p.m. Review of Concession Agreements Mr. Sangrey gave a brief overview of the concession agreements that IDPR has with various concessionaires.

Discussion followed.

2:15 p.m. 2008 Legislative Update Mr. Sangrey said staff had been heavily involved with addressing administrative rules proposal as well as statutes regarding safe boating. Mr. Sangrey explained to the Board that the language of the statute was being reworded. Mr. Klatt said that the Board needed to give clear direction on adopting mandatory boating education in Idaho. Discussion followed. The Board expressed their concern on how the statute was being interpreted in regards to mandatory age and boating education. The Board directed staff to modify the language to read "If the operator of the boat is of the age between 14 and 18 years old, the operator must have completed a boating safety course and carry documentation of such." The Board also instructed staff to have the language state "that if the operator of the boat is under 18 years old and has proof that he or she has taken a boating safety course in another state and have documentation to that fact, then they can operate a boat in Idaho."

Discussion followed.

2:30 p.m. Board Policy Review The Board reviewed the policy manual with the suggested changes. Discussion followed. Ms. Johns is to create a revised version of the Board Policy manual and submit for review at the spring board meeting. The Board members are to review previous Board agendas and minutes to determine what other items may need to be added to Board Policy.

3:30 p.m. Discussion of Legislation and Off-highway Vehicles Mr. Sangrey discussed the joint efforts taking place between the two Directors of both Idaho Department of Fish and Game (IDFG) and IDPR per the Governor's request to work together on land access and ATV issues. Discussion followed.

4:00 p.m. Director Groen and Enforcement Bureau Chief for Jon Heggen from IDFG addressed the Board regarding off-highway vehicle (OHV) enforcement and collaborative efforts between IDPR and IDFG.

5:05 p.m. Recess

8:10 a.m. Chairman Williams reconvened the IDPR winter board meeting.

8:15 a.m. Agency Awards The following awards were presented to the IDPR employees at the Board meeting:

- **Ranger of the Year:** Matt Linde, Ponderosa State Park
- **Director's Award:** Workplace Safety Team Garth Taylor, Brad Shilling, Erin McKindree, Steve Russell, Joyce Clark, Rich Gummersall and Tammy Kolsky
- **Beth Durham:** Garth Taylor, East Region Manager

8:30 a.m. Overview of Park and Highway Signs Mr. Brent Jennings of the Idaho Transportation Department (ITD), State Highway Operations and Safety Engineer, addressed the Board regarding the identification of needs for highway signs for state parks. He suggested that an inventory of highway signs for each park be conducted by both IDPR and ITD. This inventory would reveal what the needs are for signs as well as what condition the existing signs are in. Mr. Jennings suggested that after the inventory has been completed, that a timeline be developed and a plan presented by mid-summer.

Discussion followed.

IDPR staff will present the agency's sign manual for review at the spring Board meeting.

8:50 a.m. Idaho Endowment Fund Investment Board Update Mr. Larry Johnson, Manager of Investments, and Mr. Chris Halverson, Investment Officer, of the Endowment Investment Fund presented an overview of the expected return from the Ritter Island Endowment Fund. Discussion followed regarding the different possibilities on how to invest. Quarterly reviews of the investment be sent to the Board.

9:45 a.m. Fees Associated with Grant Supported Projects

Mr. Claycomb said that we currently have an IDAPA rule (300.06) that allows for a nominal fee "*commensurate with costs of maintenance and upkeep of the facility or real property with the approval of the board*" to be charged with grant related projects.

In the past, staff has not allowed potential RV dump station applicants to apply for RV funds, if they intended to charge a fee. This was based on an informal board policy per previous 2001 Board Meeting minutes. The rationale was that these applications would not be prioritized high enough to be considered for funding. However, with recent clarification, grant staff has been directed to allow applications to be submitted as per IDAPA rules. The RV committee member's position on this issue varies and may impact their scoring.

Additionally, there has been much discussion recently of fees with *all* types of grants. The 2007 Kootenai County request was one that set a precedent and laid the groundwork for future grant considerations of the same type.

Per the 2008 January Board meeting, the following are the four criteria requested of anyone that wishes to charge a fee for grant supported projects that originally indicated that no fees would be charged:

1. The fees generated must be utilized only in support of the associated grant project by ordinance or other official means
2. Public notice must be given with opportunity for public comment.
3. IDPR has the authority to audit the entity to ensure the fees *remain* commensurate with the rate of maintenance.
4. A complete fiscal accounting of why the fees are being proposed is required.

Discussion followed.

9:55 a.m. Mr. Klatt moved that the Board approve the criteria as presented by staff. Mr. Lombard seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

9:56 a.m. Allocation and Distribution of Sub-Grant Supported Projects

Mr. Frost reviewed the use of a formula grant to distribute Federal Boat Safety Account funds to County Sheriff's Departments via a sub-grant (*see Attachment 1*).

Discussion followed.

10:06 a.m. Mr. Klatt moved to reaffirm that the policy presented by staff for the Allocation and Distribution of Sub-grants from the State Boat and Safety Account become Board Policy. Ms. McDevitt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

10:20 a.m. FY '08 2nd Quarter Financial Statement

Ms. Humiston presented the FY'08 2nd Quarter financial statement. She presented a brief summary of expenditures followed by a report on revenue.

Discussion followed.

10:55 a.m. Ms. McDevitt moved that the Board accept the financials as presented. Mr. Klatt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

10:58 a.m. Campsite and Facility Occupancy and Park Visitation Statistics

Ms. Kolsky addressed the Board regarding the visitation numbers for 2007. She gave a summation of reservation transactions. Mr. Just gave the Board an overview of day use at IDPR parks.

11:50 a.m. Premium Pricing and Off-Season Rates

Ms. Kolsky discussed premium pricing and off-season rates for both site and facility usage in the parks. Staff's goal is to develop a pricing structure utilizing a consistent and predictable formula. Ms. Kolsky asked the Board to endorse the concept and support staff efforts to develop premium pricing opportunities and off-season rates for IDPR sites and facilities.

Discussion followed.

12:15 p.m. Mr. Klatt moved that the Board endorse value pricing. Mr. Lombard seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

12:25 p.m. New Business

- RV Stickers Reciprocity

Board members and staff discussed how to proceed with legislation regarding reciprocity for ATV's from out-of-state riding in Idaho. Discussion followed. The Board members asked that staff present possible legislation addressing ATV reciprocity at the May Board meeting

- **Boating Statute Changes**
Board members and staff discussed Statute 67-7077 making sure the concept was understood. *(See Attachment 2).*
- **IDPR Projects in the Grant Process and the Bias That May or May Not Exist**
Board members and staff discussed how to create a better follow up with grant projects, making sure that the project meets the criteria set for receiving the grant. Mr. Klatt asked staff whether or not IDPR applications for the grants are considered like all the other applicants. Ms. Humiston assured the Board that IDPR follows all the rules and process that apply to all applicants including IDPR. Mr. Ricks said that because IDPR applies for grants as well as administering them, IDPR is under close scrutiny.

Discussion followed.

- **Revision of Letters to IDT and IDFG**
Letters were submitted to the Board members for review.
Discussion followed.

1:47 p.m. Ms. McDevitt moved to adjourn. Mr. Klatt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All votes were cast in the affirmative. Motion passed.

Latham Williams, Chair
Idaho Park and Recreation Board

Robert L. Meinen, Director
and Ex-Officio Member of the Board

ATTACHMENT #1

DRAFT - DRAFT

OPE. 2:98 ALLOCATION AND DISTRIBUTION OF SUB-GRANTS FROM THE STATE BOAT SAFETY ACCOUNT

The State Boat Safety Account was established in 1972. It is funded from the Federal Sport Fish Restoration and Boating Trust Fund and originates from federal taxes on motorboat fuels, taxes on fishing equipment and small engines, and import duties on boating and fishing equipment. The purpose of this fund is to provide boating safety services such as the enforcement of boating laws, boater education, acquisition and maintenance of navigational aids, and search and rescue efforts related to recreational boating on a statewide basis.

A portion of this account is sub-granted to county sheriff departments pursuant to Idaho Code 67-7028, which states sheriffs and deputy sheriffs of respective counties shall be primarily responsible for enforcement of the Idaho Safe Boating Act. These sub-grants are intended to assist the Idaho Parks and Recreation Board “to promote and provide for the safe, enjoyable use of Idaho’s public waterways for recreational boaters through the fair and responsive management of funding, education, training, conservation of significant natural resources, and environmental programs,” as is the mission of the state boating program, a division of the Idaho Department of Parks and Recreation. Sub-grants are provided on a federal fiscal year basis (October 1 through September 30). The balance of funds received from the federal grant is used for statewide programs.

Federal funding for the State Boat Safety Account has increased from less than \$200,000 in 1987 to over \$1.3 million in 2008. This has brought about the need to establish a more objective evaluation, allocation and distribution process for sub-grants from this account.

I. PURPOSE

The purpose of this Park and Recreation Board policy is to establish objective-based criteria and processes for the distribution of sub-grant funds from the State Boating Safety Account. A goal of the department is to ensure boating grants and other funding is allocated in an effective, fair and responsive manner for the primary benefit of Idaho boaters involved in boating activities.

II. PROCEDURES FOR THE ALLOCATION AND DISTRIBUTION OF SUB-GRANTS

- A. No later than January 1 of each year, the boating program manager shall determine the amount of Boat Safety Account funds available to each county sheriff’s department. Funds will be allocated via formula grant that was approved at the Board meeting in 2004. The formula is as follows:

1/3 of the allocation is based on the boatable acreage in each county.

1/3 of the allocation is based on the number of primary boat designations a county received the prior calendar year.

1/3 of the allocation is based on a performance component, with the number of boat inspections, citations, operating under the influence (OUI) arrests, and students that are taught the six-hour Boat Idaho safety course each carrying the same weight.

- B. No later than February 1 of each year, the boating program manager shall notify each county sheriff in counties with eligible boating programs of the amount of funds for which the county is eligible.
- C. No later than April 1 of each year, the department shall enter into a written Memorandum of Understanding (MOU) with each eligible sheriff requesting funding, stating clearly the objectives and responsibilities of the department and the sheriff. The MOU shall be negotiated by the boating program manager and signed by the department director and the county sheriff.
- D. The sheriff shall provide evidence he has expended an amount of eligible matching funds equal to that received from the Boat Safety Account, unless specifically exempted by other provisions of these administrative procedures. Matching funds must originate from the County's Vessel Account or Waterways Improvement Grant funding (law enforcement related projects).
- E. Funds will be disbursed to all eligible counties with an approved MOU on a reimbursement basis.
- F. Each county sheriff receiving funds from the Boat Safety Account shall enter all applicable marine law enforcement activities completed during the federal fiscal year into the IDPR Law Enforcement Database no later than November 30 of each year.
- G. Counties receiving Boat Safety Account funds shall make all relative expenditure reports available to the department for review following the end of each county fiscal year. The department shall review expenditures of counties receiving Boat Safety Account funds no later than December 15 of each year.
- H. Counties not fulfilling the requirements of the Memorandum of Understanding shall be ineligible for funding the following year. The director shall determine county eligibility for funding, taking into consideration the recommendations of the boating program manager and bureau chief.

ATTACHMENT #2

**IDAPA 26
TITLE 01
CHAPTER 30**

26.01.30 - IDAHO SAFE BOATING RULES

525. NEGLIGENT OPERATION.

Negligent operation, as used in Section 67-7017, Idaho Code, shall include, but not be limited to, the following:
(1-1-94)

01. Airborne. Becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from the vessel creating the wake; or (3-23-98)

02. Weaving. Weaving through congested traffic; or (3-23-98)

03. Speed or Proximity. Operating at such a speed and proximity to another vessel, a person, or property of other persons so as to require the operator to swerve at the last moment to avoid collision; or- (3-23-98)

04. Unsafe Seating While Underway. Operating a motorboat while a person sits, stands, or kneels on the bow deck, gunwales, transom, or any other areas not designed by the manufacturer for passengers, while the vessel is underway at a speed greater than no wake or five (5) miles per hour, except when immediately necessary for safe and reasonable navigation or operation, or for the purpose of engaging in or assisting persons being towed in an otherwise lawful manner; or ()

05. Unsafe Operation – Person In Vicinity of Vessel. Operating a motorboat, or engaging the engine of an idle motorboat, when someone is occupying the water in a manner or in proximity to the vessels propulsion and or exhaust so as to create a safety hazard. ()

526. -- 999. (RESERVED).

67-7077. Operation of vessels. It shall be unlawful for any person to operate any vessel on the water of this state:

(a~~1~~) In a negligent manner as prescribed in section 67-7017, Idaho Code, while within one hundred (100) feet of another vessel; or

(b~~2~~) At a speed greater than no wake or five (5) miles per hour while within one hundred (100) feet of a dock, swimmer or other person in the water, except when safely pulling a water skier from a dock, or when safely dropping off a water skier at or near a dock, or when the swimmer or other person in the water is the vessel's water skier. Except when dropping off a skier at or near a dock all efforts shall be made to reasonably minimize the time and distance the vessel shall travel inside the one hundred (100) foot zone while operating at speeds greater than no wake or five (5) miles per hour; ~~or~~

~~(3) While on a Personal Watercraft:~~

- ~~i. No person under the age of sixteen (16) years shall operate a personal watercraft, except a person fourteen (14) or fifteen (15) years of age may operate a personal watercraft if the person has taken a six (6) hour boating safety course approved by the department and carries onboard proof of successful completion of said course.~~
- ~~ii. No person shall operate a personal watercraft equipped by the manufacturer with a link-type engine cut-off switch without attaching such link to the operator, operator's clothing, or the operator's personal floatation device as appropriate for the personal watercraft.~~
- ~~iii. No passenger shall be permitted to ride in front of the operator.~~

(3) If the person operating the vessel is born on or after January 1, 1995 unless the person has completed a six (6) hour boating safety course approved by the department and carries onboard proof of successful completion of said course.

(a) If the person operating the vessel is 14 years old or younger the person must be directly supervised by a competent adult at least 18 years of age.

(b) If the vessel is other than a personal watercraft the competent adult must be on board and in position to take immediate control of the vessel.

(c) If the Vessel is a personal watercraft the competent adult must be visually supervising the personal watercraft.

(d) The effective date of paragraph (3) will be July 1, 2009; or

(4) While on a Personal Watercraft:

(a) No person shall operate a personal watercraft equipped by the manufacturer with a link-type engine cut-off switch without attaching such link to the operator, operator's clothing, or the operator's personal floatation dvice as appropriate for the personal watercraft.